

IAP12 Rec'd PCT/PTO 23 MAR 2007

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: March 20, 2007 Name: Heidi A. Dare, Reg. No. 50,775

Signature:

Heidi A. Dare

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Claudia Lange et al.

Appln. No.: 10/575,961

Filed: April 13, 2006

For: Blood Products from Mesenchymal Stem Cells

Attorney Docket No: 12103-9

Mail Stop Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (in duplicate); copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); Statement According to 37 C.F.R. § 1.821(f); two diskettes containing a computer-readable copy of the Sequence Listing; Supplemental Preliminary Amendment (including a paper copy of the Sequence Listing); Declaration; Power of Attorney; copy of Assignment
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☒ Small Entity.
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$0

Fee payment:

- ☒ Please charge Deposit Account No. 23-1925 in the amount of \$65.00 for the Declaration Surcharge. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

03/27/2007 LLANDGRA 00000038 231925 10575961

01 FC:2617 65.00 DA

March 20, 2007
Date

Respectfully submitted,

Heidi A. Dare

Heidi A. Dare (Reg. No. 50,775)

BRINKS
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GILSON
& LIONE

BRINKS HOFER GILSON & LIONE
NBC Tower – Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

PCT



UNITED STATES PATENT AND TRADEMARK OFFICE

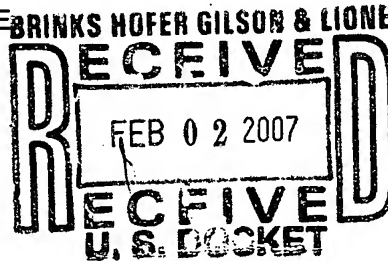
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/575,961	Claudia Lange	12103-9

INTERNATIONAL APPLICATION NO.	
PCT/EP04/11570	
I.A. FILING DATE	PRIORITY DATE
10/14/2004	10/14/2003

757

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610



CONFIRMATION NO. 5657

371 FORMALITIES LETTER



OC000000022141118

Date Mailed: 01/25/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

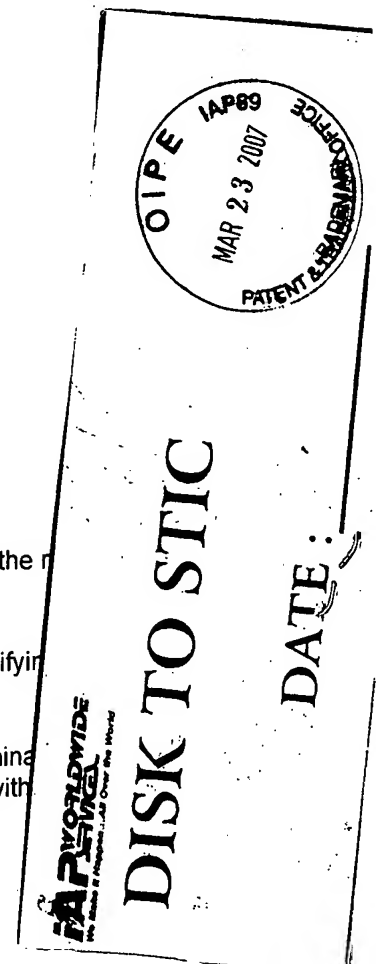
The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/13/2006
- Copy of the International Search Report filed on 04/13/2006
- Copy of IPE Report filed on 04/13/2006
- Preliminary Amendments filed on 04/13/2006
- Information Disclosure Statements filed on 08/04/2006
- Small Entity Statement filed on 04/13/2006
- U.S. Basic National Fees filed on 04/13/2006
- Priority Documents filed on 04/13/2006
- Specification filed on 04/13/2006
- Claims filed on 04/13/2006
- Abstracts filed on 04/13/2006
- Drawings filed on 04/13/2006
- Paper nucleotide sequence listings filed on 04/13/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the r acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with



must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65 Surcharge.**

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37-CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

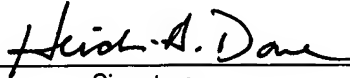
I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on

March 20, 2007

Date of Deposit

Heidi A. Dare, Reg. No. 50,775

Name of applicant, assignee or
Registered Representative



Signature

March 20, 2007

Date of Signature

Attorney Docket No. 12103-9

Client Ref. No. P71267

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Claudia Lange et al.)
Serial No.: 10/575,961)
Filing Date: April 13, 2006)
For: BLOOD PRODUCTS FROM)
MESENCHYMAL STEM CELLS)

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

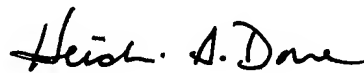
Dear Sir:

In accordance with the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated January 25, 2007, a copy of which is attached, enclosed herewith for filing are the following documents:

- ☒ Fully executed Declaration for Patent Application and Power of Attorney for the above-referenced patent application.
- ☒ Applicant:
 - ☒ claims small entity status. See 37 CFR1.27.
 - ☐ is other than small entity.
- ☒ Other: Statement According to 37 C.F.R. § 1.821(f); two diskettes containing a computer-readable copy of the Sequence Listing; Supplemental Preliminary Amendment (including a paper copy of the Sequence Listing); copy of Assignment.
- ☒ The Commissioner is hereby authorized to charge fees totaling \$65.00 to Deposit Account No. 23-1925, as stated in the accompanying transmittal. Fees comprise:
 - ☒ Surcharge of \$65.00.
- ☒ The Commissioner is hereby authorized to charge any deficiencies in fees or credit overpayment to Deposit Account No. 23-1925. A duplicate copy of this paper is enclosed.

Respectfully submitted,

Dated: March 20, 2007



Heidi A. Dare
Registration No. 50,775
Attorney for Applicants

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